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09/507,062	02/18/2000	John Peter Veschi		8896

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EXAMINER
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OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/507,062

Applicant(s)

VESCHI, JOHN PETER

Examiner

Jonathan Ouellette

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,8-10,21-32 and 34-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,8-10,21-32 and 34-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Claims 3-7, 11-20, and 33 have been cancelled and Claims 37-40 have been added; therefore, Claims 1, 2, 8-10, 21-32, 34-40 are currently pending in application 09/507,062.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. **Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo (US 5,895,450) in view of eShare (www.eshare.com, Retrieved from the Internet Archive WayBack Machine <www.archive.org>, Date range: 4/27/1999-5/8/1999), and further in view of Herz (US 6,029,195).**
4. **As per independent Claim 1**, Sloo discloses a method of resolving a dispute, comprising: at least one plurality of parties to the dispute (complainant/user) providing, via on-line connection (C4 L1-8, log-on and transfer data through network connection), an input relating to the dispute (C4 L61-67, user registers complaint); information related to resolution of the dispute being provided, via the on-line connection, to at least one of

the parties (C5 L21-22, system confirms the complaint registration; C9 L11-13, users sent judgment – Sloo discloses use of email as preferable , but also discloses communicating through network connection); and providing at least a portion of the input in a publicly accessible on-line form (C5 L3-11, post to publically accessible computer bulletin board) and allowing at least some people who access the on-line form to interact therewith (C9 L50-52, general users can post support or opposition to judgments).

5. Sloo fails to expressly disclose wherein the step of allowing interaction includes allowing a question of a party in the dispute.

6. eShare teaches an eShare Expressions Interaction Suite product

(<http://web.archive.org/web/19990427234417/www.eshare.com/products/expressionsmain.html>) for adding chat, threaded discussion forums and online presentations to web sites and that it can be used for virtual meetings and moderated events. eShare further teaches specific chat supporting features such as:

- a. ODBC Forum Support used for storing all forum data in an ODBC-compliant computer database along with a database application programming interface to simplify interaction to the computer database

(<http://web.archive.org/web/19990427050636/www.eshare.com/exp4features.html>)

- b. Improved chat rooms for creating public, private, moderated, password-protected, and user-created rooms in any combination that suits the specific needs of a community.

(<http://web.archive.org/web/19990508005118/www.eshare.com/products/exp-chat.html>, Improved Rooms)

7. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the step of allowing interaction includes allowing a question of a party in the dispute, as disclosed by eShare, in the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the ability to increase the marketability of the system by incorporating public access to the dispute resolution records for entertainment and research possibilities (C5 L9-11).
8. Sloo and eShare fail to expressly disclose wherein the publicly accessible on-line form includes a dispute related advertising field including an advertisement that is selected by a computer-based system.
9. Herz teaches real time profiling of user dialogs in a text chat session, in order to provide advertisements, which are relevant to the nature of the content being discussed (C7 L44-51, C67 L47-54).
10. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the publicly accessible on-line form includes a dispute related advertising field including an advertisement that is selected by a computer based system, as disclosed by Herz in the system disclosed by eShare, in the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the ability to create additional sources of income by providing user customized (target profiling) advertising (Herz: C7 L44-51, C67 L47-54).

11. As per Claim 2, Sloo, eShare, and Herz disclose at least one of the parties providing payment information for use in obtaining a fee associated with the service of providing the resolution related information (Sloo: C12 L15-24).
12. **Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo, in view of Siefert (US 5,904,485).**
13. As per **independent Claim 9**, Sloo discloses a method of resolving a dispute, comprising: at least one of a plurality of parties to the dispute (complainant/user) providing, via an on-line connection (C4 L1-8, log-on and transfer data through network connection), an input relating to the dispute (C4 L61-67, user registers complaint); information related to the resolution of the dispute be provided, via the on-line connection, to at least one of the parties (C5 L21-22, system confirms the complaint registration; C9 L11-13, users sent judgment – Sloo discloses use of email as preferable , but also discloses communicating through network connection); providing at least a portion of the input in a publicly accessible on-line form (C5 L3-11, post to publically accessible computer bulletin board).
14. Sloo fails to expressly disclose allowing at least some people who access the on-line form to interact therewith based on an assessment of at least one of the person's knowledge of the law and the person's knowledge of the facts, wherein the determining step includes assessing the person's knowledge by providing the person a set of one or more questions and evaluating the person's responses to the questions, and wherein the person is provided another set of questions from a larger set of questions if the person does not answer a predetermined number of the questions correctly

15. However, Sloo does teach pre-qualifying the judge and jurors (C8 L5-18), and Siefert further teaches assessing the knowledge level of a user, providing education material to the user, and re-assessing the knowledge level of the user (Abstract, C7 L18-25, C9 L58-60, C15 L51-67, C16 L1-19, C19 L32-35, C20 L1-15, Fig.2-3).
16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included assessing the person's knowledge by providing the person a set of one or more questions and evaluating the person's responses to the questions, as disclosed by Siefert, in the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the help of people who have knowledge to settle the dispute, the knowledge determined through a pre-qualifying set of questions.
17. As per Claim 10, Sloo and Siefert disclose providing educational information to the person prior to providing another set of questions (Siefert: Fig.2, lesson/assessment cycle).
18. **Claims 23-26, 29, 32, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo in view of Eisen (Eisen, Joel B, "Are we ready for mediation in cyberspace?" Brigham Young University Law Review, v1998n4, pp: 1305-1358, 1998), and further in view of Herz.**
19. **As per independent Claim 23**, Sloo disclose a method of resolving a dispute, comprising: at least one of a plurality of parties to the dispute (complainant/user) providing, via an online connection (C4 L1-8, log-on and transfer data through network connection), an input relating to the dispute (C4 L61-67, user registers complaint); and

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interaction directed towards resolving the dispute between at least one of the parties to the dispute and another person (C7 L29-40), wherein the interaction is displayed on at least a display (C4 L1-9, networked access terminals).

20. Sloo discloses a providing a forum for negotiations for the users (C5 L15-17); however, Sloo fails to disclose wherein the dispute resolution occurs in substantially "real-time."
21. Eisen teaches wherein on-line mediation services are conducted through the use of IRC technology – which enables users to communicate in real-time (Footnote 40, pg. 21 of 45).
22. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the dispute resolution occurs in substantially real-time, as disclosed by Eisen in the system disclosed by the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the ability to increase the efficiency of the system by removing time-delays between user communications.
23. Sloo also fails to disclose wherein the display includes a dispute related advertising field including an advertisement that is selected by a computer-based system.
24. Herz teaches real time profiling of user dialogs in a text chat session, in order to provide advertisements, which are relevant to the nature of the content being discussed (C7 L44-51, C67 L47-54).
25. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the display includes a dispute related advertising field including an advertisement that is selected by a computer based system,

as disclosed by Herz in the system disclosed by the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the ability to create additional sources of income by providing user customized (target profiling) advertising (Herz: C7 L44-51, C67 L47-54).

26. As per Claim 24, Sloo, Eisen, and Herz disclose wherein the other person is a juror (Sloo: C8 L5-11, C10 L1-3).
27. As per Claim 25, Sloo, Eisen, and Herz disclose wherein the other person is a third party other than one of the parties to the dispute (Sloo: C9 L50-52, general users; C9 L64-67, C10 L1-2, attorneys and witnesses).
28. As per Claim 26, Sloo, Eisen, and Herz disclose enabling another third party to view the dispute without enabling the other third party to interact with the parties (Sloo: C5 L6-11).
29. As per Claim 29, Sloo, Eisen, and Herz fail to expressly disclose wherein the input is in written form (Sloo: general users post support or opposition).
30. As per Claim 32, Sloo, Eisen, and Herz disclose providing, via the on-line connection, information related to resolution of the dispute to at least one of the parties (Sloo: C9 L11-13, users sent judgment through networked capabilities / e-mail).
31. As per Claim 34, Sloo, Eisen, and Herz disclose wherein a computer-based system manages the interaction between the parties (Sloo: C7 L50-67, C8 L1-4, the program).
32. As per Claim 35, Sloo, Eisen, and Herz disclose wherein the input is related to real-life facts (Sloo: C4 L61-65, user enters detailed complaint/dispute).

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33. As per Claim 36, Sloo, Eisen, and Herz disclose wherein the dispute related advertising field includes an advertisement related to a fact of the dispute (Herz: C7 L44-51, C67 L47-54).
34. **Claims 27-28 are rejected under 35 U.S.C. 103 as being unpatentable over Sloo in view of Eisen, and further in view of Herz.**
35. As per Claims 27 and 28, Sloo, Eisen, and Herz fail to expressly disclose wherein the interaction comprises a question directed to the at least one of the parties or a vote on which party should prevail.
36. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The dispute resolution system would be performed regardless of the type of third party interaction used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
37. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included third party interaction comprising a question directed to the at least one of the parties or a vote on which party should prevail, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.
38. **Claims 8, 21-22, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo in view of Eisen, in view of Herz, and further in view of Siefert.**

39. As per Claim 8, Sloo, Eisen, and Herz fail to expressly disclose determining which people that access the online form are permitted to interact therewith based on an assessment of at least one of the person's knowledge, wherein the determining step includes assessing the person's knowledge by providing the person a set of one or more questions and evaluating the person's responses to the questions.
40. However, Sloo does teach pre-qualifying the judge and jurors (C8 L5-18), and Siefert further teaches assessing the knowledge level of a user, providing education material to the user, and re-assessing the knowledge level of the user (Abstract, C7 L18-25, C9 L58-60, C15 L51-67, C16 L1-19, C19 L32-35, C20 L1-15, Fig.2-3).
41. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included assessing the person's knowledge by providing the person a set of one or more questions and evaluating the person's responses to the questions as disclosed by Siefert, in the system disclosed by Herz, in the system disclosed by Eisen, in the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the help of people who have knowledge to settle the dispute, the knowledge determined through a pre-qualifying set of questions.
42. Finally, Sloo, Eisen, Herz, and Siefert fail to expressly disclose wherein the assessment assesses the person's knowledge of the law and/or knowledge of the facts.
43. However these differences are only found in the nonfunctional descriptive data and are not functionally involved in the steps recited. The dispute resolution method would be performed regardless of the type of assessment used. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re*

*Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

44. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have assessed the user's knowledge of the law and/or knowledge of the facts, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.
45. As per Claim 21 and 22, Sloo, Eisen, Herz, and Siefert disclose wherein the determining step is based on an assessment (See rejection of Claim 8).
46. However, although Sloo does disclose pre-qualifying the judge and jurors (C8 L5-18), Sloo, Eisen, Herz, and Siefert fail to expressly disclose wherein the assessment assesses the person's knowledge of the law and/or knowledge of the facts.
47. However these differences are only found in the nonfunctional descriptive data and are not functionally involved in the steps recited. The dispute resolution method would be performed regardless of the type of assessment used. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
48. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have assessed the user's knowledge of the law and/or knowledge of the facts, because such data does not functionally relate to the steps in the method

claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

49. As per Claim 30 and 31, Sloo, Eisen, and Herz fail to expressly disclose wherein the determining step is based on an assessment of the person's knowledge of the law and/or knowledge of the facts.
50. However, Sloo does teach pre-qualifying the judge and jurors (C8 L5-18), and Siefert further teaches assessing the knowledge level of a user, providing education material to the user, and re-assessing the knowledge level of the user (Abstract, C7 L18-25, C9 L58-60, C15 L51-67, C16 L1-19, C19 L32-35, C20 L1-15, Fig.2-3).
51. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included assessing the person's knowledge by providing the person a set of one or more questions and evaluating the person's responses to the questions as disclosed by Siefert, in the system disclosed by Herz, in the system disclosed by Eisen, in the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the help of people who have knowledge to settle the dispute, the knowledge determined through a pre-qualifying set of questions.
52. Furthermore, although Sloo does disclose pre-qualifying the judge and jurors (C8 L5-18), Sloo, Eisen, Herz, and Siefert fail to expressly disclose wherein the assessment assesses the person's knowledge of the law and/or knowledge of the facts.
53. However these differences are only found in the nonfunctional descriptive data and are not functionally involved in the steps recited. The dispute resolution method would be performed regardless of the type of assessment used. Thus, this descriptive data will not

distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

54. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have assessed the user's knowledge of the law and/or knowledge of the facts, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.
55. **Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo in view of Eisen, and further in view of eShare.**
56. **As per independent Claim 37**, Sloo discloses a method of resolving a dispute, comprising: (a) at least one of a plurality of parties to the dispute (complainant/user) providing, via an on-line connection (C4 L1-8, log-on and transfer data through network connection), an input relating to the dispute (C4 L61-67, user registers complaint); (b) interaction, directed towards resolving the dispute, involving at least one of the parties to the dispute (C7 L29-65).
57. Sloo discloses a providing a forum for negotiations for the users (C5 L15-17); however, Sloo fails to disclose wherein the dispute resolution occurs in substantially "real-time."
58. Eisen teaches wherein on-line mediation services are conducted through the use of IRC technology – which enables users to communicate in real-time (Footnote 40, pg. 21 of 45).

59. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the dispute resolution occurs in substantially real-time, as disclosed by Eisen in the system disclosed by the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the ability to increase the efficiency of the system by removing time-delays between user communications, and allowing the users to communicate in a real-time format.
60. Furthermore, while Sloo does disclose multiple third parties taking part in the dispute resolution process (C9 L64-67, C10 L1-3, witnesses and attorneys); Sloo and Eisen fail to expressly disclose wherein (c) interaction, occurs in substantially real-time, between a third party and at least one of the plurality of parties to the dispute, wherein the third party is not one of (a) the plurality of parties to the dispute, (b) a judge, and (c) a juror.
61. eShare teaches an eShare Expressions Interaction Suite product (<http://web.archive.org/web/19990427234417/www.eshare.com/products/expressionsmain.html>) for adding chat, threaded discussion forums and online presentations to web sites and that it can be used for virtual meetings and moderated events. eShare further teaches specific chat supporting features such as:
- a. ODBC Forum Support used for storing all forum data in an ODBC-compliant computer database along with a database application programming interface to simplify interaction to the computer database (<http://web.archive.org/web/19990427050636/www.eshare.com/exp4features.html>)
- l)

- b. Improved chat rooms for creating public, private, moderated, password-protected, and user-created rooms in any combination that suits the specific needs of a community.

(<http://web.archive.org/web/19990508005118/www.eshare.com/products/exp-chat.html>, Improved Rooms)

62. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein (c) interaction, occurring in substantially real-time, between a third party and at least one of the plurality of parties to the dispute, wherein the third party is not one of (a) the plurality of parties to the dispute, (b) a judge, and (c) a juror, as disclosed by eShare, in the system disclosed by Eisen, in the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the ability to increase the marketability of the system by resolving the dispute in a public forum (Sloo: C5 L5-11, C9 L50-52).

63. As per Claim 38, Sloo, Eisen, and eShare disclose wherein steps (b) and (c) occur in substantially the same time (inherent to chat technology disclosed by eShare).

64. As per Claim 39, Sloo, Eisen, and eShare disclose wherein the substantial real-time interaction is displayed on at least a display (Sloo: Fig. 1; also inherent to chat technology disclosed by eShare).

65. **As per independent Claim 40**, Sloo discloses a system for fostering the resolution of a dispute, a computer *adapted* to receive from at least one of a plurality of parties to the dispute (complainant/user), via an on-line connection (C4 L1-8, log-on and transfer data through network connection), an input relating to the dispute (C4 L61-67, user registers

complaint); the computer further adapted to receive an interaction directed towards resolving the dispute between at least one of the parties to the dispute (C7 L29-65).

66. Sloo discloses a providing a forum for negotiations for the users (C5 L15-17); however, Sloo fails to disclose wherein the dispute resolution occurs in substantially “real-time.”

67. Eisen teaches wherein on-line mediation services are conducted through the use of IRC technology – which enables users to communicate in real-time (Footnote 40, pg. 21 of 45).

68. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the dispute resolution occurs in substantially real-time, as disclosed by Eisen in the system disclosed by the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the ability to increase the efficiency of the system by removing time-delays between user communications.

69. Furthermore, while Sloo does disclose multiple third parties taking part in the dispute resolution process (C9 L64-67, C10 L1-3, witnesses and attorneys); Sloo and Eisen fail to expressly disclose wherein the computer is further adapted to arrange the input and the interaction for display as the interaction towards resolving the dispute occurs, on a display (chat screen) of a person who is not one of (a) the plurality of parties to the dispute, (b) a judge, and (c) a juror (chat community member).

70. eShare teaches an eShare Expressions Interaction Suite product (<http://web.archive.org/web/19990427234417/www.eshare.com/products/expressionsmain.html>) for adding chat, threaded discussion forums and online presentations to web sites

and that it can be used for virtual meetings and moderated events. eShare further teaches specific chat supporting features such as:

- a. ODBC Forum Support used for storing all forum data in an ODBC-compliant computer database along with a database application programming interface to simplify interaction to the computer database  
(<http://web.archive.org/web/19990427050636/www.eshare.com/exp4features.htm>  
l)
- b. Improved chat rooms for creating public, private, moderated, password-protected, and user-created rooms in any combination that suits the specific needs of a community.  
(<http://web.archive.org/web/19990508005118/www.eshare.com/products/exp-chat.html>, Improved Rooms)

71. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the computer is further adapted to arrange the input and the interaction for display as the interaction towards resolving the dispute occurs, on a display of a person who is not one of (a) the plurality of parties to the dispute, (b) a judge, and (c) a juror, as disclosed by eShare, in the system disclosed by Eisen, in the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the ability to increase the marketability of the system by resolving the dispute in a public forum (Sloo: C5 L5-11, C9 L50-52).

***Response to Arguments***

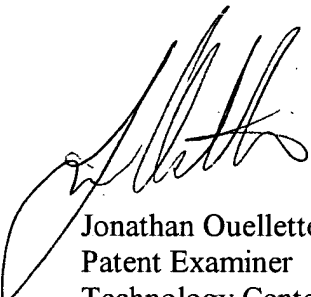
72. Applicant's arguments with respect to Claims 1, 2, 8-10, 21-32, and 34-36 have been considered but are moot in view of the new ground(s) of rejection.
73. The above rejection has been clarified as per applicant's request. Furthermore, the rejection will remain as NON-FINAL.
74. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).
75. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, all of the cited prior art deals with the interaction between networked connected parties: Sloo discloses networked connection of parties in a dispute; eShare discloses the networked connection of users in

chat format; Herz disclosed providing advertising to users in a chat format networked connection; Eisen discloses on-line mediation services that are conducted through real time networked communication; and Siefert discloses assessing and training users over a networked connection.

*Conclusion*

76. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
77. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
78. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

July 6, 2005



Jonathan Ouellette  
Patent Examiner  
Technology Center 3600